

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JAMES KLUPPELBERG,)	
)	
Plaintiff,)	13 CV 3963
)	
v.)	JUDGE LEFKOW
)	
JON BURGE et al.,)	
)	
Defendants.)	JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION *IN LIMINE* NO. 23 TO BAR
REFERENCES TO STREET GANGS**

Now comes Plaintiff, James Kluppelberg, by and through his counsel, Loevy & Loevy, and respectfully moves this Court for an order barring references to street gangs. In support thereof, Plaintiff states as follows:

This case has nothing to do with street gangs. Plaintiff was never in a gang, and there are no facts in the record to show otherwise. Plaintiff testified at his deposition that while he was in prison he was considered a friend or associate of the Latin Kings because his sister's husband had a connection to the organization, but this connection is so tangential anything legitimately at issue in this case that it must be barred under FRE 403. See *Finley v. Lindsay*, No. 97 C 7634, 1999 WL 608706, at *1-2 (N.D. Ill. Aug. 5, 1999) ("Our Court of Appeals has repeatedly recognized 'the insidious quality' of evidence of gang membership as well as 'the damage it can do.'" (quoting *United States v. Sargent*, 98 F.3d 325, 328 (7th Cir. 1996))). Because there is a "substantial risk of unfair prejudice attached to gang affiliation evidence," courts must closely scrutinize its admissibility. *United States v. Irvin*, 87 F.3d 860, 864-67 (7th Cir. 1996) (citing a substantial "danger of unfair prejudice" in that "[g]angs generally arouse negative connotations and often invoke images of criminal activity and deviant behavior. There is therefore always the

possibility that a jury will attach a propensity for committing crimes to [witnesses] who are affiliated with gangs or that a jury's negative feelings towards gangs will influence its verdict. Guilt by association is a genuine concern whenever gang evidence is admitted."'). Gang membership has no probative value to anything legitimately at issue in this case, and it should be barred.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that this Court bar reference to street gangs.

Respectfully submitted,

/s/ Jon Loevy
One of Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I, Jon Loevy, an attorney, hereby certify that on October 7, 2016, I filed the foregoing via the Court's CM/ECF system and thereby served a copy on all counsel of record.

/s/ Jon Loevy